

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF TEXAS

SEP 3 0 2010

MCKINNEY ECONOMIC DEVELOPMENT
CORPORATION,
Plaintiff/ Counter-Defendant,

DAVID J. MALAND, CLERK
BY
DEPUTY _____

v.

MCKINNEY SHORES PROPERTIES, INC.,
Defendant/ Counter-Plaintiff,

Case No. 4:09cv284

v.

CITY OF MCKINNEY,
Third-Party Defendant.

MCKINNEY SHORES HOTEL
PARTNERS, INC.,
Intervention Plaintiff,

v.

CITY OF MCKINNEY, MCKINNEY
ECONOMIC DEVELOPMENT CORP.,
MCKINNEY COMMUNITY
DEVELOPMENT CORPORATION,
THAD HELSLEY and BILL COX,
Intervention Defendants.

**MEMORANDUM ADOPTING REPORT AND
RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636. On August 27, 2010, the report of the Magistrate Judge was entered containing proposed

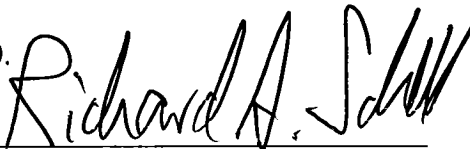
findings that the court has no jurisdiction over this case and ^a recommendation that the case should be remanded to the 296th District Court for Collin County, Texas for further consideration and that Defendants' Motion to Dismiss Based on Governmental Immunity (Dkt. 21) should be DENIED as MOOT.

The court, having made a *de novo* review of the objections raised by the Intervention Defendants as well as the Intervention Plaintiff's response, is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and the objections of the Intervention Defendants are without merit. Therefore, the court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of this court.

~~Therefore,~~
^{Further,}
the court finds that it has no jurisdiction over this case, the case shall be remanded to the 296th District Court for Collin County, Texas for further consideration, and Defendants' Motion to Dismiss Based on Governmental Immunity (Dkt. 21) is DENIED as MOOT.

IT IS SO ORDERED.

SIGNED this 29th day of Sept, 2010.



RICHARD A. SCHELL
UNITED STATES DISTRICT JUDGE